

APPROVED: January 9, 1989

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Attest:

Margaret R. Gearin

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING 38-88

October 10, 1988

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chambers, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, October 10, 1988 at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Stephen N. Abrams

Councilmember James F. Coyle

Councilmember Viola Hovsepian

Councilmember David Robbins

In attendance: City Attorney Paul T. Glasgow, City Manager Bruce Romer, City Clerk Margaret R. Gearin.

The Mayor in the chair.

Re: City Manager's Report

City Manager Bruce Romer reported the following:

1. He has designated Captain John Miller to be in charge of the Police Department with interim departmental responsibilities, while the selection process for the new Chief of Police proceeds.

2. The Smoking Ordinance, which is on the Agenda tonight for adoption will be effective on December 1, 1988.

When the Smoking Ordinance is adopted, a letter will be sent requesting the County to review the smoking requirements for bowling alleys, as requested by the Mayor

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and Council. The administrative policy covering "no smoking policy" for City staff, will be presented to Mayor and Council when it is ready and will also be effective 12/1/88.

3. On October 17, there will be a joint meeting of the Mayor and Council in City Hall with County representatives who will give a presentation on the County's development plans in the Shady Grove Road area.

4. The Agenda for the next meeting on 10/24/88 will include significant proposals on Storm Water Management and an updated report on cable television.

Re: Proclamation--Rockville Chamber of
Commerce Week, October 17th to the
21st.

Proclamation No. 16-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 16-88 the full text of which can be found in Proclamation File No. 2 of the Mayor and Council. Councilmember Hovsepian read the proclamation at the request of the Mayor. Present and accepting the proclamation of behalf of the Chamber of Commerce was Ralph DeLisa, President of the Rockville Chamber of Commerce.

Re: Proclamation--Rockville Cosmetology
Month, October 1988.

Proclamation No. 17-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 17-88 the full text of which can be found in Proclamation File No. 2 of the Mayor and Council. Councilmember David Robbins read the proclamation at the request of the Mayor. Present and accepting the proclamation was Marion Gamache, State Legislative Chairperson of the Maryland Cosmetology Association.

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Re: Presentation

The following student swimmers from Pinneberg, Germany who are visiting Rockville and staying at the homes of members of the Rockville Swim Club were introduced and welcomed:

Phillipe Gue	Simon Grob
Lars Klettke	Mathias Dehlert
Bent-Thorsten Lorinser	Lars Jentsch
Mark Rentzeder	Ulrike Renetzeder
Kerstin Wahrlich	Philine Ruppertsberg
Katrin Deckman	Mirjam Eickmeir
Bettina Klettke	Ingo Benneweg
Johannes Holz, Coach	Ursula Mammen, Coach

Re: Citizen's Forum

The Mayor opened the meeting to those citizens wishing to address the Mayor and Council.

1. Leah Barnett, 19 Orchard Way North, expressed her concern about the unsafe traffic conditions near the construction ramp at Falls Road and Route 270. She also noted the need for directional lane arrows on Falls Road heading toward Potomac and the need for cones indicating a single lane on Seven Locks after Fortune Terrace and approaching Ritchie Parkway.

2. Alice Kelley, 401 W. Montgomery Avenue presented a petition signed by seventy residents of West Montgomery Avenue, stating their appreciation for the Mayor and Council's intention to totally fund improvements on West Montgomery Avenue which includes undergrounding of utilities, brick sidewalks and decorative lighting.

3. Leah Barnett, 19 Orchard Way North, expressed her dismay that the City would undertake a large expenditure on undergrounding wires on West Montgomery Avenue, when

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west of 270 has above ground wiring. She stated her support for undergrounding wires throughout the City.

Re: Appointments

The Mayor made the following appointments with the concurrence of the Council:

John Moser, Chairman, Cultural Arts Commission

Jim Henry, Chairman, Senior Citizens Commission

Re: Approval of Memorandum of
Understanding with the Polinger
Company

Mayor Duncan signed a memorandum of understanding on behalf of the City with the Polinger Company which is the largest landlord in Rockville. The agreement outlines a new policy on rental increases for qualified senior citizens residing at Congressional Towers, Rollins Park and Yale Village and will take effect January 1, 1989.

Specifically, the Polinger Company agrees to limit rent increases for eligible tenants to 4.5% or the Consumer Price Index housing factor, whichever is lower. To be eligible for the program, one or more members of a household must be either 65 years of age or older, or the primary wage earner must be legally handicapped. The household must have been a tenant at the same Polinger Company managed apartment complex for a period of five years and must pay more than 30% of gross household income for rent. Tenants whose rents are paid by others, or those whose original acceptance as a tenant required a rent guarantee will not be eligible.

The program is to commence on January 1, 1989 and will be in effect for a period of three years during which the City will work to address housing problems of the elderly and handicapped.

The agreement also stipulates that the Polinger Company will accept Section 8

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housing vouchers from eligible tenants at its Rockville properties and will distribute material to tenants which have the purpose of assisting with their rental housing needs.

Re: Award of Bid #26-89 for Tree Removal
at Redgate Golf Course

Bids were advertised in the Blue Reports, Bid Net, F.W. Dodge Report, and the Construction Market Data Reports. Bids were also mailed to 45 contractors. Two bids were received as follows:

1. Cole Landscaping and Tree Service

Total Bid Amount \$43,500 @ \$87.00/per hour

2. The World is Yours T/A Atlas Stump Removal

Total Bid Amount \$45,000 @\$90.00/per hour

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, Bid #26-89 was awarded to low bidder Cole Landscape and Tree Service.

Re: Award of Bid #28-89 for the
replacement of two 20-cubic yard
refuse trucks in accordance with
the FY89 Vehicle Replacement
Schedule

There were 25 requests for bids sent out and five responses were received. This bid was structured to enable a vendor to bid on the complete vehicle (chassis and body), or separate bids on the chassis and body only. Bids were not submitted on furnishing the complete vehicle. The tabulations for the remaining bids will be first, for providing the chassis only (2); and the second, for the body only (2).

Chassis Only (2)

<u>Vendor</u>	<u>Model</u>	<u>Each</u>	<u>Total</u>
1. District Internat'l. Trucks 5000 Tuxedo Road Tuxedo, Maryland 20781	4900	\$33,881	\$ 67,762
2. Chesapeake Ford Truck Inc.	LN-8000	\$34,746	\$ 69,492

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8540 Pulaski Highway
Baltimore, Maryland 21224

Body Only (2)

<u>Vendor</u>	<u>Model</u>	<u>Each</u>	<u>Total</u>
1. Waddle Truck Equipment, Inc. 3607 O'Donnell Street Baltimore, Maryland 21224	Pak-Mor	\$16,930	\$ 33,860
2. Wilbar Truck Equipment, Inc 8100 Alban Road Springfield, Virginia 22150	Load-Master	\$18,957	\$ 37,914
3. Truck Equipment Sales & Service 1411 Bush Street Baltimore, Maryland 21230	Leach	\$19,830	\$ 39,660
Total cost for two complete units			\$101,622
Budgeted Amount			\$111,400

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Bid #28-89 for two truck chassis with refuse bodies for total of \$67,762 was awarded to low bidders District International Trucks for chassis, and Waddle Truck Equipment, Inc. for two refuse bodies for total amount of \$33,860.

Re: Award of Bid #29-89 for two vacuum
leaf collectors

There were 22 requests for bids sent out, two responses were received from the following vendors:

<u>Vendor</u>	<u>Model</u>	<u>Unit Price</u>	<u>Total Gt</u>
1. John C. Lewis Co., Inc. 8100 Beechcraft Avenue Gaithersburg, MD	American Roads ALC-25	\$17,578	\$35,156
2. S.M. Christhlf & Sons, Inc. 112 West Timonium Road Timonium, MD 21093	Tarco RC-20-87WD	\$17,633	\$35,266

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On motion of Councilmember Hovsepian, duly seconded and unanimously passed, Bid #29-89 was awarded to low bidder, the John C. Lewis Co., Inc. for supplying two 25-cubic yard leaf collectors for a total amount of \$35,156.

Re: Adoption of Resolution to provide for public hearing and notice in connection with the annexation of 5.0416 acres of land

Resolution No. 20-88

A petition has been presented by Joseph A. Lynott, Esq., attorney for EBH Enterprises, Ltd., requesting that a parcel of land totaling 5.0416 acres of land be annexed by the Mayor and Council; which parcel is located at the southwest side of Maryland Route 28, opposite Research Boulevard between Hurley Drive and Hi-Wood Road, Rockville, Maryland.

On motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution 20-88, the full text of which can be found in Resolution Book No. 9 of the of the Mayor and Council to set the public hearing date on the annexation X-105-88 on January 17, 1989 was adopted by the Mayor and Council. The public hearing on Residential Townhouse Development RTH-10-88 will also be on the same date.

Re: Introduction of Ordinance: To repeal and re-enact with amendments Chapter 10A of the "Laws of Rockville" entitled "Smoking Prohibitions and Restrictions" so as to eliminate various provisions of said chapter regulating smoking in public places, except for those provisions regulating eating and drinking establishments, in order to avoid duplication of, or conflict with, smoking regulations established by City administrative regulations and Section 2409 of the Montgomery County Code; to make certain technical amendments to the remaining provisions; and to add certain definitions.

The purpose of this ordinance is to repeal various provisions of City law regulating smoking in certain places that could duplicate or conflict with more stringent Montgomery County smoking regulations that will be applicable within the City. The City law, however, will retain provisions regulating smoking in eating and drinking establishments, which provisions are more stringent than similar Montgomery County regulations.

On motion by Councilmember Hovsepian, there was laid upon the table an ordinance to repeal and reenact with Amendments Chapter 10A of the "Laws of Rockville" entitled "Smoking Prohibitions and Restrictions". Said ordinance to lay over for at least one week before final adoption.

At the request of the Councilmembers, the following items were removed from the Consent Agenda for further discussion:

Re: Introduction of Ordinance to authorize public improvement for construction of sidewalks, road improvements and street lights on West Montgomery Avenue from 300 feet west of Washington Street to Nelson Street -Project No. 7Q11.

This action will improve Montgomery Avenue between Washington Street and Nelson Street by installing new sidewalk (in part with brick), installing decorative street lights on wooden poles on the south side of the street, and undergrounding all wiring except the highest electric wires. There will be no special assessments against adjacent property owners.

Councilmember Abrams asked the staff to prepare an annualized cost for this project indicating if the costs were to come from the General Funds or bonded indebtedness.

On motion of Councilmember Coyle, there was laid on the table an Ordinance to authorize public improvements on West Montgomery Avenue - Project 7Q11. Said ordinance to lay over for at least one week before final adoption.

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Re: Adoption of Resolution to establish a fee of One Thousand Dollars (\$1,000) to accompany each application for a Flood Plain Variance.

This action will increase the Flood Plain Variance application fee from \$100 (established in 1977) to \$1,000 to more accurately cover current costs of staff administrative and engineering review.

Councilmember Robbins requested further information on the need for the dramatic increase in fees which is being requested. In addition, he asked for information on who applies for Flood Plain Variances and if there is a uniform policy on raising fees. The issue was referred back to staff who will meet with Councilmember Robbins and provide additional information for the Mayor and Council at the October 24th meeting.

Re: Resolution to enlarge the corporate boundaries of the City of Rockville to include 5.0416 acres of land belonging to EBH Enterprises, Ltd.

This property is adjacent to the Schiavone property which was annexed by the City in May 1988. The petitioner desires to assemble the two properties for development with townhouses. Residential Townhouse Development RTH-10-88 has been filed for concurrent consideration with the annexation. The Mayor and Council is required to introduce a resolution to propose annexation upon being petitioned to do so.

In answer to a question from Councilmember Coyle, the City attorney advised that a public hearing will be held on this proposed annexation on January 17, 1989 which will address all the questions the Council may have.

On motion of Councilmember Coyle, there was introduced upon the table a resolution to enlarge the corporate boundaries of the City of Rockville to include 5.0416 acres of land belonging to EBH Enterprises, Ltd. Said resolution to lay over for at least one week.

Re: Adoption of Ordinance amending Section 1-102 of Chapter 1 of the "Laws of Rockville", so as to permit Montgomery County Legislation prohibiting smoking in certain public places and generally regulating smoking as contained in Section 24-9 of the 1984 Montgomery County Code, to apply within the City of Rockville.

The ordinance would allow the Montgomery County law prohibiting smoking in public places to apply within the City as County law. The County would enforce its law within the City and issue County citations for violations.

On motion of Councilmember Abrams, there was introduced upon the table an amendment to Chapter 1, Section 1-102 of the "Laws of Rockville" adding the effective date of December 1, 1988 to the ordinance. This amendment was unanimously passed by the Mayor and Council.

Next, on motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance # 38-88, the full text of which can be found in the Ordinance Book No. 14 of the Mayor and Council, to amend Section 1-102 of Chapter 2 of the "Laws of Rockville", was adopted by the Mayor and Council.

Re: Decision and Instruction to staff regarding the proposed street closing application, SA 54-88, filed by Edward M. and Sue B. Crough, which would abandon a 15 foot alley right of way located between 409 N. Stonestreet Avenue and 411 N. Stonestreet.

After a general discussion, on motion by Councilmember Abrams, there was laid on the table an ordinance to approve the proposed street closing application, SA 54-88 with the same conditions as outlined by the Planning Commission in their report. Said ordinance would lay over for at least a week before adoption.

Re: Decision and Instruction to staff regarding the petition to expand resident-only permit parking to cover the cul-de-sac where Atlantic Avenue meets Vandergrift Avenue. The expansion of the Twinbrook II Permit District would protect the cul-de-sac from use by commuters.

On motion by Councilmember Coyle, there was laid on the table a resolution to expand resident only permit parking to cover the cul-de-sac where Atlantic Avenue meets Vandergrift Avenue. Said resolution will lay over for at least a week before adoption.

Re: Decision and Instruction to staff regarding the proposed Map Amendment Application, M-51-88, filed by Alvin J. Steinberg, which would amend zoning on a portion of the property located at 1329 Rockville Pike (Tyson Wheeler Funeral Home), an area of 28,659 from the present R-E, Residential Estate Zone to the C-2 General Commercial Zone.

On motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation to approve M-51-88.

Re: Decision and Instruction to staff regarding Proposed Text Amendment Application T-89-88, filed by Mayor and Council, which would amend Chapter 6, Section 103 of the "Laws of Rockville" to modify the definition of "accessory use" so as to limit the size of a detached structure used as an accessory to ten percent of the minimum lot area for the zone in which the lot is located.

The purpose of this amendment is to prevent very large accessory buildings from being constructed on oversized residential lots.

Councilmember Hovsepien stated her opposition to this text amendment because it limits the rights of people regarding their property, and asked if it could be easily

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enforced in other areas of the City where other zoning is permitted. She pointed out that this amendment was based on information received at the public hearing which referred only to conditions in Twinbrook. She also requested information on when permits are required by property owner. The City Manager will provide this information to the Mayor and Council which will also be printed in Rockville Reports. She concluded that she would need more clarification on the proposed text amendment before she could vote in favor of it. On motion of Councilmember Coyle duly seconded and passed by the Mayor and Council by a 4-1 vote with Councilmember Hovsepian voting against the motion, the Mayor and Council directed the staff to prepare the necessary documentation to approve T-89-88 to amend Chapter 6, Section 103 of the "Laws of Rockville".

Re: Correspondence

The Mayor and Council commented on the following items of correspondence:

1. Re: Letter from Dr. Robert Tennyson, Director of Rockville Concert Band which was referred to Sister City Corporation for recommendation.
2. Re: UMTA grant status referred to staff which will send a letter to UMTA to see if it is possible to transfer funds from the earlier proposed people mover to a project such as a transportation management association.
3. Re: Falls Road Project update concerning the Maryland Route 189 and Ritchie Parkway intersection and the on-ramp from Falls Road to Southbound Interstate Route 270. The City Manager will get a schematic of the intersection and put it in Rockville Reports. The City Manager will also inquire about the need for traffic signs outside the City, driving west on Montrose Road and approaching the intersection of Montrose Road and Seven Locks Road.
4. Re: Metro Parking Projects. Councilmember Hovsepian noted that the Council is not in favor of the parking project at Metro as described. The City Manager replied

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that this memorandum was in error and that the County will delete the project for acquisition and instead will deck the parking lot at Rockville Metro Station and try for Federal funds. He will report back on this project.

5. Re: Stormwater Management Contribution Rate. The Mayor requested that staff do a presentation on this issue when it comes up again.

6. Re: Halloween Bags which have safety tips from McGruff, the Crimedog will be given to children through the Recreation Department.

7. Re: Town Center Banner Program. The City Manager was asked to explore having banners at the Rockville Metro Station and parking lot.

Re: New Business

The Mayor and Council introduced the following items of New Business:

1. Councilmember Abrams proposed in lieu of spending money on undergrounding utilities on West Montgomery Ave, that the City dedicate the same money to a housing fund. In response, Councilman Robbins asked why it should be either/or since the City has a commitment to affordable housing. In answer to the fiscal impact of the West Montgomery Avenue Project, the Mayor requested that staff prepare a clearer impact statement on the City's Bonding and Debt Service. In addition, there will be a work session on affordable housing scheduled in the next few months.

2. The Mayor and Council asked the City Manager to provide recommendations for a celebration of the 130th anniversary in 1990, commemorating the incorporation of the City of Rockville which would also include a remembrance of F. Scott Fitzgerald.

3. The staff is preparing a memo on a Rockville Spring Arts Festival.

4. The City Manager will check into the deterioration of the new tennis courts at Richard Montgomery High School.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting

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was adjourned at 9:30 p.m. to convene again on October 17th in work session with the Planning Commission at 7:30 p.m. or at the call of the Mayor.